

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

3/8/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 04-00150SOM
CASE NAME: USA vs. (01) Patrick Shin and (02) JHL Construction
ATTYS FOR PLA: Lawrence Tong
ATTYS FOR DEFT: 01 Samuel King, Jr.
02 Rustam Bee
Roy Kawamoto (USPO)

JUDGE: Susan Oki Mollway

REPORTER: Steve Platt

DATE: 3/8/2006

TIME: 9:00 - 11:05

COURT ACTION: EP: Sentencing to Count 1 of the Felony Information and Defendant (01) Patrick Shin's Motion for Downward Departure -

Defendant (01) Patrick Shin and (02) James Lee, corporate representative of JHL Construction, present.

The Presentence Investigation Report and the USPO's recommendation are adopted by the Court, and placed under seal.

The Memorandum of Plea Agreement has been accepted by the Court.

Defendant (01) Patrick Shin's Motion for Downward Departure - withdrawn.

Allocution by the Defendant (01) Patrick Shin.

As to (01) Patrick Shin:

ADJUDGED:

Probation: 3 Years.

Fine: \$100,000.00.

Special Assessment: 100.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter (mandatory condition). Since the defendant does not have a recent history of substance abuse and the offense is not drug related, is recommended that the Court waive the mandatory drug test condition.
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the fine of \$100,000 is due within 14 days of entry of judgment.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- > The defendant serve 12 days of intermittent confinement at the Federal Detention Center (FDC) commencing on 3/10/2006 and to be completed on/or by 4/2/2006. The defendant shall comply with the rules and regulations set forth by the FDC. The defendant shall surrender to the FDC no later than 6:00 p.m. on each Friday, and shall be released from FDC no later than 12:00 p.m. on each Sunday.

As to (02) JHL Construction:

ADJUDGED:

Probation: 2 Years.

Fine: \$3,000.00.

Special Assessment: \$400.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- > That the fine is due within 7 days of today.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.

Defendants advised of their right to appeal.

Submitted by: Toni Fujinaga, Courtroom Manager.